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EXAMINER

SING, SIMON P

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 01/20/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/296,538

Applicant(s)

ALI ET AL.

Examiner

Simon Sing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-20, 22-26 and 28-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-20, 22-26 and 28-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miner et al. US 6,021,181 in view of Bartholomew et al. US 5,631,948.

Miner discloses a voicemail message handling system which has a controller 100 and a message storage memory 142 in figures 1 and 2. Miner teaches removing (deleting) a voice message from a list (voice message memory, or first memory area) and placing (saving) it in a trash bin (deleted voice messages memory, or second memory area), and that a deleted voice message in the trash bin can be retrieved if necessary (column 10, lines 33-41). Miner fails to teach compress the voice message and store the compressed voice message in the trash bin.

However, Bartholomew discloses a voice mail system in figure 5. Bartholomew teaches that voice messages are digitized, compressed and stored in memory (column 1, lines 19-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Miner's reference with the teaching of Bartholomew so that a deleted voice message would have been compressed and

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stored in the Trash Bin, because such modification would have reduced the size of the deleted voice message and increased the storage capability of the Trash Bin.

2. Claims 1-5, 12-15 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal, US Patent No. 6,411,685 in view of Bartholomew et al. US 5,631,948.

2.1 Regarding claim 1, O'Neal discloses a system for providing a voice message to a user with a web browser in figure 1 (column 9, lines 14-54), comprising:

- a controller (a messaging system inherently has a controller);

- a Voicemail Inbox (voice message memory) (figure 9); and

- a Voicemail Trash Bin (deleted voice message memory) (figure 9).

O'Neal teaches that a voice message may be moved from the Inbox to the Trash Bin (deleted from Inbox and restored in the trash folder) (column 9, lines 55-65). O'Neal fails to teach compress the voice message and store the compressed voice message in the trash bin.

However, Bartholomew discloses a voice mail system in figure 5. Bartholomew teaches that voice messages are digitized, compressed and stored in memory (column 1, lines 19-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the O'Neal's reference with the teaching of Bartholomew so that a deleted voice message would have been compressed and

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stored in the Trash Bin, because such modification would have reduced the size of the deleted voice message and increased the storage capability of the Trash Bin.

2.2 Regarding claim 2, O'Neal teaches a telephony system 108 for interfacing a PTSN 160.

2.3 Regarding claim 3, O'Neal teaches that a deleted voice message is retrievable for playback (column 9, lines 62-65).

2.4 Regarding claim 4, O'Neal teaches that a voice message in the trash Bin may be permanently deleted (column 9, lines 59-62).

2.5 Regarding claim 5, since O'Neal teaches that User Node 20 is a computer (column 6, lines 2-12), and it is inherent that a user may delete a voice message from a computer keypad.

2.6 Regarding claim 12, O'Neal discloses a method for providing a voice message to a user with a web browser in figure 1 (column 9, lines 14-54). O'Neal teaches moving a voice message from an Inbox [first memory area] to a Trash Bin [second memory area] (column 9, lines 55-65). O'Neal fails to teach compress the voice message and store the compressed voice message in the trash bin.

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However, Bartholomew discloses a voice mail system in figure 5. Bartholomew teaches that voice messages are digitized, compressed and stored in memory (column 1, lines 19-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the O'Neal's reference with the teaching of Bartholomew so that a deleted voice message would have been compressed and stored in the Trash Bin, because such modification would have reduced the size of the deleted voice message and increased the storage capability of the Trash Bin.

2.7 Regarding claim 13, O'Neal teaches retrieving a voice message form the Trash Bin (column 9, lines 62-65).

2.8 Regarding claim 14, O'Neal teaches opening the Trash Bin [folder] and selecting a voice message for playback (column 9, lines 62-65). Since User node 20 is a computer (column 6, lines 2-12), so it is inherent that a playback command [predetermined code] is entered via a computer keypad.

2.9 Regarding claim 15, O'Neal teaches permanently deleting a voice message from the Trash Bin (column 9, lines 59-62).

2.10 Regarding claim 22, O'Neal discloses a system for providing a voice message to a user with a web browser in figure 1 (column 9, lines 14-54). O'Neal teaches means

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for moving a deleted voice message from an Inbox [first memory area] to a Trash Bin [second memory area] (column 9, lines 55-65). O'Neal also teaches means for retrieving a voice message from the Trash Bin for playback (column 9, lines 62-65) but fails to teach compress the voice message and store the compressed voice message in the trash bin.

However, Bartholomew discloses a voice mail system in figure 5. Bartholomew teaches that voice messages are digitized, compressed and stored in memory (column 1, lines 19-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the O'Neal's reference with the teaching of Bartholomew so that a deleted voice message would have been compressed and stored in the Trash Bin, because such modification would have reduced the size of the deleted voice message and increased the storage capability of the Trash Bin.

2.11 Regarding claim 23, O'Neal teaches means for opening the Trash Bin [folder] and selecting a voice message for playback (column 9, lines 62-65). It is inherent a playback command [predetermined code] may be entered via a computer keypad.

2.12 Regarding claim 24, O'Neal teaches means for permanently deleting a voice message from the Trash Bin (column 9, lines 59-62).

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3. Claims 6 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal, US Patent No. 6,411,685 in view of Bartholomew et al. US 5,631,948 and further in view of Pickett et al. US Patent 6,266,340.

O'Neal's reference, modified by Bartholomew, teaches moving a deleted voice message from the Inbox to the Trash Bin, and permanently deleting said deleted voice message from the Trash Bin (column 9, lines 59-62), but fails to teach that the permanently deleting is performed at a predetermined time interval.

However, Pickett discloses a system and method for multiple voice data communication. Pickett teaches that a voice mail is purged [permanently deleted] from memory 424 after a predetermined period of time or at predetermined time interval (column 53, lines 37-43, 50-63).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the O'Neal's reference, which was modified by Bartholomew, with the teaching of Pickett so that a deleted voice message in the Trash Bin would have been automatically and permanently deleted after a predetermined period of time or at a predetermined time interval, because such modification would have purged old deleted voice messages to make room for newly deleted voice messages.



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4. Claims 7, 8, 19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal US Patent No. 6,411,685 in view of Bartholomew et al. US 5,631,948 and further in view of Garson et al. US Patent 5,689,550.

The O'Neal reference, modified by Bartholomew, teaches permanently deleting a deleted voice message from the Trash Bin, but fail to teach deleting the deleted voice message when deleted voice messages reach a predetermined number.

However, Garson discloses an interactive voice messaging system. Garson teaches that when voice messages in a "delete queue" (in a memory area) reaches its limit by percentage of memory area, or by number of call (messages), the oldest record is deleted (column 16, lines 23-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the O'Neal's reference, which was modified by Bartholomew, with the teaching of Garson so that the oldest deleted voice message(s) in the Trash Bin would have been automatically and permanently deleted when deleted voice messages reached a predetermined number, because such modification would have enabled the system to automatically maintain a free memory area for newly deleted messages.

5. Claims 9, 20 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal, US Patent No. 6,411,685 in view of Bartholomew et al. US 5,631,948 and further in view of Sweet et al. US Patent No. 5,163,085.

The O'Neal reference, modified by Bartholomew, teaches permanently deleting a deleted voice message from the Trash Bin, but fail to teach deleting the deleted voice message when deleted voice messages reach a predetermined percentage of the capacity of the Trash Bin.

However, Sweet discloses a digital voice storage and retrieval system in figure 2. Sweet teaches that when voice messages in a voice file reach a predetermined percentage level, the oldest voice messages in the voice file will be deleted (column 12, lines 53-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the O'Neal's reference, which was modified by Bartholomew, with the teaching of Sweet so that the oldest deleted voice message(s) in the Trash Bin would have been automatically and permanently deleted when deleted voice messages reached a predetermined percentage of its capacity, because such modification would have enabled the system to automatically maintain a free memory area for newly deleted messages.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neal, US Patent No. 6,411,685 in view of Bartholomew et al. US 5,631,948 and further in view of Newton US Patent 5,978,757.

O'Neal's reference, modified by Bartholomew, teaches compressing voice messages and moving a deleted voice message from the Inbox to the Trash Bin, but

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fails to teach using a difference bit rate for compressing voice messages in the Inbox and in the Trash Bin.

However, Newton discloses a system and method for post storage message compaction. Newton teaches that new voice mail messages with lower compression ratio, are deleted from new voice message memory area, compressed with a higher compression ration, and then store in a compressed message memory area (column 4, lines 1-9, 20-32; column 15-18). It is inherent that higher compression ration has a lower bit rate.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the O'Neal's reference with the teaching of Newton so that a deleted voice message would have been compressed with a lower bit ration, because such modification would have reduced the size of the deleted voice message in order to increase the storage capability of the Trash Bin, since a small deterioration in quality of a deleted message would have been acceptable to a user.

7. Claims 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Checchio et al. US Patent No. 5,912,951 in view of Newton US Patent 5,978,757.

Checchio discloses a voice mail system comprises a controller 304, new message memory container 314 and saved message container 318 in figure 3A. Checchio teaches deleting messages from the new message container 314 and saving them in the saved message container 318 (column 4, lines 17-24; column 5, lines 57-

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66). Checchio also teaches retrieving a saved message from the saved message container 318 (column 5, lines 12-16). Checchio's saved memory container is analogous to the deleted voice message memory of current invention (or the same if Checchio renamed the 'saved message container' to 'deleted message container'), since in both system, there are two memory areas, and messages are deleted from a first message area and placed in a second memory area. In the current invention, "deleted messages" actually are "saved messages" since the "deleted messages" are not deleted (erased or wiped out), but saved in another memory area. Checchio fails to teach dynamically adjusting the total memory area to optimize a space for the new message container 314 and the saved message container 318.

However, Newton discloses a system for compressing voice messages. Newton teaches that new voice messages are not compressed for better voice quality, then compressed, deleted from first memory area and saved in a second memory area after played back to a user (column 4, lines 1-9, 20-32, 46-67; column 5, lines 1, 15-18). Newton further teaches balancing memory areas for the new voice messages and the old or saved voice messages (column 5, lines 29-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Checchio's reference with the teaching of Newton so that memory space would have been dynamically adjusted to optimize the new message container 314 and the saved message container 318, because such modification would have balanced the storage areas for new messages and saved messages.

***Response to Arguments***

8. Applicant's arguments with respect to claims 1-9, 11-20 and 22-26 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Sing whose telephone number is (703) 305-3221. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.



S.S.

01/09/2004

FAN TSANG  
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